

(Docket No. 7)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE  
HONORABLE ROBERT B. KUGLER

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TARA BERKERY, et al.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil No. 05-3618 (RBK)
	:	
AJAY K MUNJAL, M.D., et al.,	:	
	:	
Defendants.	:	


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**ORDER DENYING MOTION AND**  
**DISMISSING AMENDED COMPLAINT**

**THIS MATTER HAVING** come before the Court upon the Motion by Plaintiffs' counsel Nagel Rice & Mazie, LLP, by Eric D. Katz, Esq., to vacate this Court's Order dismissing the case pursuant to Federal Rule of Civil Procedure 12(h)(3), and to reinstate the action nunc pro tunc, and for leave to file and serve a second amended complaint; and the Court having considered the papers filed in support of the motion together with the opposition filed by defendant South Jersey Health System, by Susan E. Roberts, Esq., of Grossman, Kruttschnitt & Heavey, and for the reasons expressed in an Opinion filed this date;

**IT IS ON THIS** 2<sup>nd</sup> day of December, 2005, **ORDERED** that Plaintiffs' Motion to vacate the Rule 12(h)(3) dismissal and reinstate action nunc pro tunc, and for leave to file and serve a second amended complaint [Docket No. 7] be and is hereby **DENIED**; and

**IT IS FURTHER ORDERED** that the Amended Complaint filed August 2, 2005,  
[Docket No. 3] be and is hereby **DISMISSED**.



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ROBERT B. KUGLER  
United States District Judge